

REMARKS/ARGUMENTS

On September 17, 2007, the Petitions Office granted Applicant's Petition to withdraw the holding of abandonment and indicated that the application would be forwarded to the Examiner for further processing based upon the Amendment filed December 13, 2004 in response to the non-final Office Action mailed June 15, 2004.

Applicants hereby respectfully request the entry of the present supplemental amendment prior to further substantive examination and request substantive consideration of the amendments to the specification and to the claims in the next action on the merits.

Although the present Amendment does not fall within one of the explicit exemptions mentioned in 37 CFR 1.111(a)(2), it is noted that the Examiner has discretion to enter supplemental amendments and it is respectfully requested to invoke said discretion in view of the following facts and circumstances:

- a. the present application was not processed by the PTO for nearly 3 years due to the incorrect holding of abandonment and in spite of the Applicants' repeated efforts to have the improper abandonment decision overturned; thus it would be rather unfair to cause further delays in the processing of the requested amended subject matter,
- b. the amendments to the specification and claims 126, 127 and 136 are relatively minor, while the new claims 144-145 provide a relatively narrow set of constituents for searching and examination and thus provide a further opportunity for identifying patentable subject matter,
- c. it is believed that the Examiner has not yet taken up the application for further examination, such that there will be no wasted effort or undue delay in performing the next examination based upon the present claims, and
- d. it will minimize the likelihood that an Amendment under Rule 312, an RCE or a continuing application would have to be filed to enter the amendments to the specification and/or to pursue the subject matter of the amended claims, in the event that this amendment is not entered and examined at this time, thereby streamlining the prosecution of this long-pending application.

With regard to the support for the amendments in the original description, it is first noted that the amendments to paragraph [0026] of the specification are necessary in order to correct inadvertent typographical errors made in the Substitute Specification filed April 21, 2003. As indicated by the Declaration of Mr. Jeffrey D. Tekanic, which is filed herewith, all changes to paragraph [0026] are supported by the paragraph bridging pages 8-9 of the original description of the parent International application PCT/EP97/01192. Therefore, no new matter is added by this amendment.

Further, it is noted that support for the previously submitted claims 126-143 was provided by the Amendment filed December 13, 2004. Therefore, it is only necessary to indicate that support for the amendments to claims 126 and 136 is provided, e.g. by paragraph [0026] of the Substitute Specification. See also, paragraphs [0029] and [0030].

Claim 127 has been amended merely to clarify the scope of this dependent claim in view of the scope of independent claim 126.

New claims 144 and 145 find support in the same locations of the original description that were previously indicated for pending claims 126 and 133, namely [0015], [0018], [0022], [0034], [0053], [0056]-[0058], [0060] and [0062] of the Substitute Specification, as well as the above-noted paragraphs [0026], [0029] and [0030].

For the Examiner's convenience, it is noted that further examination is requested based upon the Substitute Specification that was filed with the Amendment dated April 21, 2003, inclusive of the amendment to paragraph [0026] indicated herein, Figure 1 as published in WO 97/32963 (i.e. the parent International application PCT/EP97/01192) and claims 126-145 filed herewith.

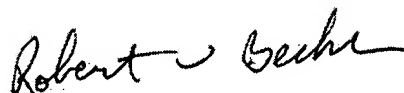
As the application presently contains 20 total claims, of which 3 are independent, no additional claims fees are due at this time.

Lastly, an IDS citing US Patent Nos. 4,592,787, 5,248,456, 5,330,582, 6,689,223, 3,796,602 and 4,619,706 is also filed herewith and it is requested to return an initialed copy thereof with the next action.

Appl. No. 09/142,452
Arndt. Dated October 11, 2007
Reply to Decision Dated September 17, 2007

Should the Examiner have any further suggestions or recommendations, the undersigned would welcome a telephone call from him in order to expedite placement of the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Becker". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert W. Becker, Reg. 26,255
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1746

In re

Patent Application of

Oskar K. Wack et al.

Application No. 09/142,452

Confirmation No.: 2215

Filed: January 19, 1999

Examiner: Markoff, Alexander

Title: Method of Cleaning Objects

Verification of Translation pursuant to 37 CFR 1.495(f)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Jeffrey D. Tekanic, am employed by Kramer Barske Schmidtchen of Radeckestrasse 43, Munich 81245, Germany, and declare that:

- 1) I am conversant in both German and English;
- 2) I have reviewed the amendments made to paragraph [0026] of the Substitute Specification filed April 21, 2003, which specification amendments are made in the accompanying Amendment;
- 3) the amended paragraph [0026] is, to the best of my knowledge and belief, a true and accurate translation of the original German text bridging pages 8-9 of International Application No. PCT/EP97/01192 and includes no new matter;
- 4) according to Article 11(3) of the Patent Cooperation Treaty, "any international application fulfilling the requirements listed [above] . . . shall have the effect of a regular national application in each designated State . . .";

5) according to 35 USC §371(c)(2), a translation into the English language of the international application is required when the US national stage is entered for a non-English language application;

6) according to 35 USC §375(b), if the translation of the international application is incorrect and exceeds the scope of the international application in the original language, the court of competent jurisdiction may retroactively limit the scope of the issued patent therefrom;

7) according to MPEP §1893(d), a literal, faithful English translation of the international application must be filed;


8) thus, these provisions establish that the original German language text of International Application No. PCT/EP97/01192 serves as the original written description for the above-identified US patent application, rather than the English translation that was filed at the time of the US national phase entry or that was provided in the Substitute Specification;

9) consequently, to the extent that the English translation provided by the Substitute Specification inappropriately deviated from the original German text, correction is warranted and permissible; and

10) all statements made of my own knowledge are true and all statements made on information and belief are believed to be true and further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001, and such false statements may jeopardize the validity of the application or any patent issuing thereon.

8 October 2007

Date


Jeffrey D. Tekanic
Reg. No. 36,031